

Naples City Council

October 8, 2009

Minutes

The regularly scheduled meeting of the Naples City Council was held October 8, 2009, at 7:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Kevin Ralphs, Heather Hughes, Brownie Tomlinson, Mark Watkins, Jim Harper, Chris Hoem, Craig Blunt, and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance and Kenneth Reynolds offered the invocation.

OPENING CEREMONY

Councilman Long asked for time under 'Other Matters' to discuss an item. Kenneth Reynolds **moved** to approve the agenda with that addition. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of September 24, 2009. Gordon Kitchen **moved** to approve the minutes of September 24, 2009. Robert Hall **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Councilman Hall asked about placing the sick leave policy on a future agenda for further discussion. It was determined to place it on the next council meeting agenda.

FOLLOW UPS FROM PREVIOUS MEETING

Councilman Kitchen asked about the recognitions for the park workers. Mayor Baker said Craig has checked into it and should have the information concerning it.

Councilman Olsen asked about the street light at the corner of 2000 S 2000 E. Jim Harper said he would follow up on that.

Nikki Kay presented the bills in the amount of \$37,872.34 and asked for approval to pay them. Mayor Baker wanted to

APPROVAL OF THE BILLS

know if the bill from Hube's Construction for the sewer lateral repair would be held out of the final amount due to JB Gordon Construction for the 1000 South road project. Mayor Baker believed the problem arose from the cap riser that was broken during the construction. Craig said the matter would be discussed with the engineer and the contractor. Dennis Long **moved** to approve the bills in the amount of \$37,872.34. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

JACAM Chemicals, Inc. - 1681 E 1550 S. A business license application was received from JACAM Chemicals, Inc. and presented to the Council for approval. Craig Blunt said he still needs to do another walk through for JACAM. He was told they were storing two types of chemicals and he needed to make sure of the types and use for those chemicals and to see if they are being stored properly. Dennis Long **moved** to approve the business license for JACAM Chemicals based on the final inspection by Craig. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE
APPROVALS***

Redbox Automated Retail, LLC - 2504 S 1500 E. A business license application for Redbox Automated Retail was presented to the Council for their approval. The business is an automated DVD rental machine placed outside of the new Maverick store. Gordon Kitchen **moved** to approve the business license. Robert Hall **seconded** the motion. The motion passed with all voting affirmatively.

Ryan Cook and Szeth Simmons submitted travel request to attend Arborist School in Salt Lake City. Councilman Kitchen asked Jim Harper why he was sending his workers to this type of training. Jim said it was to help them know how to take care of the trees at the park and around the office. Councilman Kitchen felt the same type of training could be received at the local extension office. Gordon Kitchen **moved** not to approve the training in Salt Lake City. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***TRAVEL APPROVAL FOR
ROAD DEPARTMENT***

Ryan Cook and Szeth Simmons submitted a travel request to attend heavy equipment operators training in Tooele. The request was for \$1,078.50. Dennis Long **moved** to approve this travel request. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Mr. Jason Paul Jensen requested to be on the agenda to address the Council regarding irrigation water on 1000 South. Mr. Jensen was not present at the meeting. Craig Blunt explained to the Council the issues Mr. Jensen approached him about, he said Mr. Jensen felt he should have access to the irrigation water from the front of his property on 1000 South. Craig told the Council that Mr. Jensen has access to the water but it is from the south end of his property. Craig said the City spent funds to provide irrigation water in a pressurized system with the necessary gates. Craig said they met with the irrigation water stock holders and went over what their needs were. Craig said the stockholders, amongst them, decided who was getting the water. Craig said there was never a valve provided to Mr. Jensen's property because of the elevation of his property on 1500 South and their intention was that he use the water that comes from the rear of the property. Mr. Jensen was concerned that he doesn't have any way to water his cattle because he watered from the ditch and not the gulch. Craig recommended that Mr. Jensen meet with the stock holders and not the City. Because Mr. Jensen was not present at the meeting, no action was taken.

***CITIZEN REQUEST TO
ADDRESS COUNCIL
REGARDING WATER ON
1000 SOUTH***

Kevin Ralphs presented draw requests #9 and #10 for JB Gordon Construction. Draw request #9 was in the amount of \$65,971.31. Kevin said they are just waiting for the light poles in order to finish the project. Gordon Kitchen **moved** to approve draw request #9 in the amount of \$65,971.31. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye

***#9 DRAW REQUEST FOR
1000 SOUTH - JB GORDON
CONSTRUCTION***

Robert Hall

Aye

Nikki Kay asked for time to review the final figures for the project before approving draw request #10. Council members also discussed deducting the amount paid to Hube's Construction for the sewer repairs done on 2000 East. Kevin said he would speak with the contractor about the matter. Mayor Baker said he still believed the sewer problems were brought about due to the construction. No action was taken on draw request #10.

Dan Olsen **moved** to open a public hearing to receive public comment for possible Community Impact Board (CIB) and Community Development Block Grant (CDBG) projects. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***PUBLIC HEARING FOR
CIB AND CDBG PROJECTS***

Mayor Baker opened the public hearing for the Community Impact Board (CIB) program and stated that this hearing is being called to consider any potential project for which funding may be applied under the 2010 CIB program. He turned the time over to Craig Blunt. Craig explained that the CIB funds were to be spent on projects benefitting, primarily, communities impacted by oil and gas extraction. The Association of Governments (AOG), in which Naples City is a member, reviews project applications submitted from the CIB Capital Project List and gives their support if the project falls under the definition of elevating an impact due to oil and gas extraction. All eligible activities that can be accomplished under the CIB program are identified in the CIB Application Guide and interested persons can review it at any time.

Craig Blunt mentioned several of the eligible activities which are; construction of public works facilities, public works equipment, water and sewer projects, and recreation development. The funds could be awarded in a grant, loan, or grant and loan.

Craig Blunt indicated that in the past Naples City has received funding for fire trucks, road maintenance equipment, road construction, and government buildings. The City has a capital investment plan as part of the regional "CIB CAPITAL INVESTMENT PLAN" This list shows which projects the Community has identified as projects needed to alleviate oil

and gas extraction impact to the community.

After the capital projects list was read, Mayor Baker asked for any comments, questions and concerns from the audience. There were comments concerning the 2500 South Reconstruction Project that has been the number one priority in 2007, 2008, 2009. The project, in part, was submitted to CIB 2007/2008 and was placed on the project pending list. Why? The Board did not want to work with the drainage issues that are part of the project. They asked the City to revisit other funding agencies to work with the drainage. The City has been for years that funds for drainage is tight and unavailable to the basin. It was agreed to submit to the Board these findings and that 2500 South Reconstruction Project as the City's number one project.

Craig Blunt then described the (CDBG) program and potential projects for which funding may be applied under the 2010/2011 CDBG program. It was explained that the grant money must be spent on projects benefitting primarily low and moderate income persons and/or elderly or persons who are disabled. The Association of Governments (AOG), in which Naples City is a member, is expecting to receive \$450,000 in this new program year. All eligible activities that can be accomplished under the CDBG program are identified in the CDBG Application Guide and interested persons can review it at any time.

Craig Blunt mentioned several of the eligible activities which are; construction of public works facilities, fire stations, housing rehab projects, acquisition of real property, provisions of public services such as food banks or homeless shelters, and low and moderate housing. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for rehab for low income rental units.

Craig Blunt indicated that in the past Naples City has received funding for fire trucks, fire station, park bath rooms, housing rehab, fire hydrants, and sidewalks. The City has a capital investment plan as part of the regional "CONSOLIDATED PLAN" This list shows which projects the City has identified as needed in the community.

The Mayor stated that copies of the capital investment plan are available if anyone would like a copy and asked for any comments, questions or concerns from the audience. With no

comments from the public, Dan Olsen **moved** to close the public hearing. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Council members looked at updating the CDBG list first. Craig said the point system was geared toward low income housing and the elderly. Council members discussed removing from the list those projects that have been completed and those that are no longer applicable. The road projects were all moved to the CIB projects list. Mayor Baker wanted to know if a postal drop box or mail pickup place for the elderly could be considered. Dan Olsen **moved** to approve the CDBG project list with the deletions made. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

Council members turned to the CIB project list to discuss updating it. Councilman Kitchen wanted to know if the two projects regarding 2500 South were all inclusive or if they were two separate projects. Craig said the problem with including the drainage on 2500, east of the highway, was because no one wants to touch the canals. Mayor Baker said 2500 South is vital to this area because it is the only road that connects the city from east to west because of the airport. Councilman Olsen said the road is being lost to the canal and Councilman Hall said the increased number of cars ending up in the canal is also a concern. Kenneth Reynolds **moved** to leave 2500 South as the number one priority on the CIB list. Dan Olsen **seconded** the motion. The motion passed with all voting in the affirmative.

Craig Blunt updated the Council on past funding received from the Community Impact Board. Craig said the CIB has awarded funds to the City in forms of loans that were never used and he was asked to write a letter stating the City has not used the funds and would like these projects closed out. Craig drafted a letter asking for a close out of the projects. Mayor Baker recommended taking the 2008 project for 2500 South off of the letter. Gordon Kitchen **moved** to approve the letter with that correction. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Council members received a copy of an escrow termination agreement for the Hunter Hollow subdivision. Craig explained that the bond to secure the infrastructure in Hunter Hollow was originally set up through a bank that went under, the

UPDATE PROJECT LISTS FOR CIB AND CDBG

UPDATE ON CIB FUNDING RECEIVED AND CLOSE OUT OF PAST FUNDING

ESCROW TERMINATION AGREEMENT FOR HUNTER HOLLOW

funds were FDIC insured and he has been working with Dennis Judd and the FDIC to get release of those funds. The agreement shows the City will be paid \$36,887.49 and Eric Hartle will be paid \$10,000 to bring the subdivision into compliance. Dan Olsen **moved** to have the City execute the agreement with FDIC. Robert Hall **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt told the Council that the City is holding the money for the Winder Industrial Park escrow agreement. Craig told the Council that he has been working with the developer to correct the issues discussed at the last meeting. Craig said the developer has obtained a bid to complete the collection pond area for the surface drainage and the City will hold that amount out of what is paid back to the developer. Craig said the developer was also told the CCR's for the subdivision would need to be in place and filed, with bylaws and people to fill those positions. The developer is working on that and has asked that the remaining funds be released. Councilman Hall wanted to know if Craig was comfortable with the bid received for correction of the collection pond. Craig said it looks like it covers what is required. Councilman Olsen **moved** to release the funds when the project is complete. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt and Chris Hoem reported on their meeting with the Scenic Byway Committee Board in Price Utah. Craig said the Board is having a struggle with their members and attendance at their meeting. Craig said the Board does not have a clear understanding of their power and the direction they can give. Craig said they were trying to get them to understand the rules that are attached to the scenic byway that makes the City's rules and regulations null and void. Craig said the Board made a motion at their meeting to

***CLOSE OUT OF WINDER
INDUSTRIAL PARK
ESCROW AGREEMENT***

***U P D A T E O F
I N F O R M A T I O N
R E C E I V E D R E G A R D I N G
S C E N I C B Y W A Y
R E S T R I C T I O N S***

support the City's direction in resolving the billboard issues arising from the Federal regulations placed over the City's ability to make decisions. Craig stated they have also met with UDOT and their permitting group for off premise signs. The result of that meeting was they will go back and meet with their superiors to see about getting some laws changed. Craig said the City also needs to involve our local Representatives and put together a bill to make some changes. Councilman Kitchen said he thought there was already a bill in place. Craig believed the current bill is too broad and does not address the issues of local authority. Councilman Kitchen said the City could de-segment. Craig wanted to know if that would be the best way of dealing with the matter. Craig said the City's intent should be to get the federal regulations changed so they do not dominate the local regulations. Councilman Hall wanted to know if it would be best to wait on the request by Reagan Signs to de-segment in order to move the signs. Craig felt it would be best to work at getting the law changed. Councilman Kitchen wanted to know how long we wait. Mayor Baker did not want the City to be the guinea pig in this matter. Craig felt changes still need to be made. It was recommended to contact our local Representative's and offer whatever help can be given to help move the process forward. Dennis Long **moved** to take no action at this time on the matter. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Jim Harper reported on the bid results for the shop ground work and drainage. Jim reported that four bids were picked up and only one was returned. Mayor Baker opened the only bid received which was from Brownie Tomlinson. Craig Blunt said the bid closed on October 7, 2009. The bids were for excavation work in preparation of concrete work and a portion dealing with asphalt work. Craig said there were three different phases with different options. Jim Harper explained that Option A was the drainage without the drain box and Option B was using a drain box for water retention. He stated that Phase I was the cement water way in front of the building and underneath the fence to the collection area. Craig said the bid for that was \$12,072. Option A was the creation of the retention pond and the excavation in back of it to make everything flow to it. Phase I was the road base under the waterway, asphalt patch next to waterway, and excavation for retention area, utility line modification and the type A concrete waterway construction. Phase II was excavation removal and disregard with the creation of the

***BID OPENING AND
AWARD FOR SHOP
GROUND WORK AND
DRAINAGE***

collection area at the east end of the yard, type B concrete waterway construction, type C concrete waterway construction, and manual rings. The different phases and options were discussed. Craig said the bids were; Option A \$65,184 and Option 2B was \$56,332. Craig said he would like to see them choose the option with the filtration of the sand before it goes into the rock sump. Mayor Baker said the major difference was the retention pond with one and the underground box with the sand separator for the other. Craig asked Brownie if #1 is part of Phase II Option B or if they are separate. Brownie said they are separate and the cost of the waterway would need to be added in. Brownie said to complete the whole project with the underground box would be \$133,000. Craig said he would like to sit down with the engineer and review the bid to make sure everything is okay. Dan Olsen **moved** to table the matter and to have a special meeting if warranted. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

Kenneth Reynolds **moved** to authorize the Mayor to sign the contract for the front end loader. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

***CONTRACT FOR FRONT
END LOADER***

Gordon Kitchen **moved** to have the Mayor sign the agreement for the City office roofing project with Premier West Builders. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

***CONTRACT FOR OFFICE
ROOFING PROJECT***

Mayor Baker asked for approval to expend funds to correct the water drainage issue on the east side of the park that drains into his property. Mayor Baker received a bid from Lloyd Barton in the amount of \$1,560. Dan Olsen **moved** to approve the expenditure. Gordon Kitchen **seconded** the motion. The motion passed with a roll call vote as follows:

***EXPENDITURE TO
CORRECT DRAINAGE
ISSUE ON EAST END OF
PARK***

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Nikki Kay told the Council that she has asked Billie Johnson, Marj Martin, and Connie Cook to serve as election judges for the general municipal election. Robert Hall **moved** to approve the names as stated. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

APPOINTMENT OF ELECTION JUDGES

Chief Watkins came before the Council to ask for approval to expend funds to replace the radiator in unit #071, the 2007 Dodge Charger. The total expenditure for parts and labor is \$595.34. Dan Olsen **moved** to approve the expense. Robert Hall **seconded** the motion. The motion passed with a roll call vote as follows:

EXPENDITURE IN POLICE DEPARTMENT

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Dennis Long **moved** to go into a closed session to discuss the character, professional competence, physical or mental health of an individual. Kenneth Reynolds **seconded** the motion. The motion passed with all voting affirmatively.

CLOSED SESSION

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Dan Olsen **moved** to go out of the closed session. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chief Watkins presented the six-month employee evaluation

SIX-MONTH EMPLOYEE

for Kimberly Kay. Chief Watkins stated he is very pleased with the work Kim is doing for the department. Ken Reynolds **moved** to approve the six-month evaluation for Kim Kay with the 5% pay increase. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

EVALUATION FOR KIM KAY

Mayor Baker wanted to make sure everyone was aware of the invitation to attend the meeting at the Capital Rotunda on October 13, 2009 at 3:00 p.m. The meeting was to announce the energy research partnership of USU and Idaho National Laboratory.

OTHER MATTERS - FUTURE COUNCIL MATTERS

Mayor Baker also wanted to know if anyone would be interested in attending the Land Use Training being held on October 21, 2009 at 6:00 p.m. in Roosevelt. He said this would be a good training for any of the Council and also recommended the Planning Commission members try and attend. Mayor Baker said they could work out any mileage reimbursement for the meeting.

Councilman Long wanted the Council to know that the Uintah Impact Mitigation Board approved the \$1,800 for help with economic development advertising for the City.

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 9:30. Dennis Long **seconded** the motion. The meeting was adjourned

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 22nd DAY OF OCTOBER 2009

BY: _____

ATTEST: _____